

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THE UNITED STATES FOR THE USE AND
BENEFIT OF THE CLEAVER-BROOKS
COMPANY, INC., a Texas corporation;

Plaintiff,

vs.

JOHN C. GRIMBERG COMPANY, INC., a
Maryland corporation; and LIBERTY
MUTUAL INSURANCE COMPANY, a
Massachusetts corporation;

Defendants.

4:25CV3014

MEMORANDUM AND ORDER

This action involves allegations of breach of contract and breach of payment bond obligations under the Miller Act, 40 U.S.C. §§ 3131 *et seq.*, stemming from a federal government construction project located in Gaithersburg, Maryland. ([Filing No. 1.](#)) Defendants, with the consent of Plaintiff, have moved pursuant to 40 U.S.C. § 3133, 28 U.S.C. § 1391(b) and 28 U.S.C. § 1404 to transfer venue of this action to the Greenbelt Division of the United States District Court for the District of Maryland. ([Filing No. 25.](#)) Having considered the matter, the motion will be granted.

Generally, venue is appropriate “in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.” [28 U.S.C. § 1391](#). The construction project at issue in this case was in Maryland—making venue appropriate there pursuant to § 1391. Further, venue is proper in the United States District Court for the District of Maryland pursuant to 40 U.S.C. § 3133(b)(3) of the Miller Act because it is the district in which the construction project was located. *See* [40 U.S.C. § 3133\(b\)\(3\)](#) (“A civil

action brought under this subsection must be brought . . . in the United States District Court for any district in which the contract was to be performed and executed, regardless of the amount in controversy”).

Pursuant to 28 U.S.C. §1404, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” [28 U.S.C. § 1404](#). After considering these factors, the Court finds this case should be transferred as requested. Any request for an extension of case deadlines can be raised before the assigned judge in the forum court.

Accordingly,

IT IS ORDERED:

1. Defendants’ Consent Motion to Transfer Venue ([Filing No. 25](#)) is granted.
2. The Clerk of Court shall effect transfer of this case to the Greenbelt Division of the U.S. District Court for the District of Maryland.

Dated this 11th day of June, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Susan M. Bazis". The signature is fluid and cursive, with a large initial "S" and "B".

Susan M. Bazis
United States District Judge